

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARLENE R. McCAULEY,

Defendant.

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8:16CR147

ORDER

This matter is before the court on the motion to continue by defendant Darlene R. McCauley (McCauley) (Filing No. 28). McCauley seeks a continuance of the trial of this matter which was scheduled for November 7, 2016. McCauley's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **No further continuances will be granted absent a showing by affidavit that following due diligence of counsel a denial of a requested continuance would constitute a manifest injustice.**

IT IS ORDERED:

1. McCauley's motion to continue trial (Filing No. 28) is granted.
2. Trial of this matter is re-scheduled for **December 5, 2016**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 4, 2016, and December 5, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 4th day of November, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge